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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,156	10/21/2003	Naoya Kaneda	1232-5179	6621

27123 7590 04/11/2005

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NEW YORK, NY 10281-2101

EXAMINER

SPECTOR, DAVID N

ART UNIT PAPER NUMBER

2873

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

**SUPPLEMENTAL**  
**Notice of Allowability**

Application No.

10/691,156

Examiner

David N. Spector

Applicant(s)

KANEDA ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to preliminary amendment, filed 3/09/2005 (received in TC after mailing notice of allowance).
2. ☒ The allowed claim(s) is/are 1, 10, 11, 13-15, 19, 20, 22 and 24-38.
3. ☒ The drawings filed on 21 October 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                 | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____. | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material           | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|  | 9. <input checked="" type="checkbox"/> Other <u>DETAILED ACTION</u> .                  |

**SUPPLEMENTAL ACTION*****Status of the Application***

A Request for Continued Examination (*including an IDS*) under 37 CFR 1.114 was filed in the instant application on February 18, 2005; in response to a (first) Notice of Allowability, mailed on November 22, 2004 (*i.e. claims 1-28 had been allowed*). Under continued examination, claims 1-28 were again allowed, as indicated in a (second) Notice of Allowability, mailed on March 14, 2004. Subsequent to filing the Request for Continued Examination, applicant filed a preliminary amendment on March 9, 2005. The preliminary amendment was not received in the appropriate Technology Center within the Office prior to mailing the (second) Notice of Allowability on March 14, 2004. Consequently, the preliminary amendment filed on March 9, 2005 was not entered/considered in the continued examination of the instant application.

***Amendment After Allowance***

THE PRELIMINARY AMENDMENT FILED MARCH 9, 2005 IS HEREBY APPROVED FOR ENTRY IN THE INSTANT APPLICATION, UNDER THE STATUS OF ONE FILED UNDER 37 CFR 1.312. As described in MPEP 714.15, where an amendment, even though prepared by applicant prior to allowance, does not reach the Office until after the notice of allowance has been mailed, such amendment has the status of one filed under 37 CFR 1.312. Similarly, if the amendment is filed in the Office prior to the mailing out of the notice of allowance, but is received by the examiner after the mailing of the notice of allowance, it has the same standing in the application as though the notice had not been mailed. Where the application has not been closed to further prosecution, as by final rejection of one or more claims, or by an action allowing all of the claims, applicant may be entitled to have such amendment entered even though it may be necessary to withdraw the application from issue. Such withdrawal, however, is unnec-

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essary if, as in the instant application, the amendatory matter is such as the examiner would recommend for entry under 37 CFR 1.312.

***Allowable Subject Matter***

Claims 1, 10-16, 18-20, and 22-38 are allowable. Claims 2-9, 17 and 21 have been cancelled. The reasons for allowance are as set forth in the (first) Notice of Allowability, mailed on November 11, 2004.

***Other Information/Remarks***

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any other inquiry concerning this communication or earlier communications from the examiner should be directed to David N. Spector whose telephone number is (571) 272-2338. The examiner can normally be reached at this number Monday through Friday between 6:00 AM and 2:30 PM. The fax number for the organization where this application is assigned is (703) 872-9306.

April 7, 2005

A handwritten signature in black ink, appearing to read 'D. N. Spector', with a long horizontal flourish extending to the right.

DAVID N. SPECTOR  
PRIMARY EXAMINER